

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 6, 2006

D046680 In re Dustin R., a Juvenile
The petition is denied.

D045774 Annette F. v. Sharon S.
Rehearing is granted on the court's own motion in the opinion filed herein on January 10, 2006, for the purpose of issuing a new, integrated opinion that incorporates (1) the corrections to the opinion that were clerically made on that same date for the purpose of enhancing protective nondisclosure to protect the minor child's identity; (2) deleting the words "[w]ithout citation to authority" from our analysis of actual earned income on page 51; and (3) adding a footnote to our analysis of gifts versus compensation at page 21 that rejects Sharon's claim in her rehearing petition that there is no substantial evidence that her father's business is a family-owned business and that the funds she received from her parents were "employee benefits" within the meaning of Family Code section 4058, subdivision (a)(3). The case is deemed submitted as of this date. Appellant's petition for rehearing is denied.

D045774 Annette F. v. Sharon S.
OPINION ON REHEARING. The judgment is affirmed. Annette shall recover her costs on appeal. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

D046731 People v. Williams
The order readmitting Williams to Patton State Hospital is affirmed. Huffman, J.;
We Concur: McConnell, P.J., Aaron, J.

D046927 People v. Vanpelt
The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D046626 People v. Ruvalcaba
The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

D044426 People v. Guillen
The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D045636 People v. Rubics
The judgment is affirmed. CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D046775 In re K.H., a Juvenile
The judgment is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D047809 Jennifer G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Jennifer G. has notified the court that a petition for writ of mandate under California Rule of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 6, 2006 (Continued)

D044891 In re Marriage of Gilmore and Mumani

The orders appealed from are affirmed. Each party to bear their own costs. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

Court convened at 10:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron

Clerk: D. Moore

D044938 Arroyo v. City of San Diego

Cause called on merits. Mark Stiffler, Esq. argued for appellant/cross-respondent. Joel C. Golden, Esq. argued for respondent/cross-appellant. Mr. Stiffler replied. *On cross-appeal*: Mr. Golden, Esq. argued for appellant/cross-respondent. Mr. Stiffler argued for respondent/cross-appellant. Mr. Golden replied. Cause submitted.

Court adjourned at 11:30 a.m.

D047785 In re Marriage of Brandes

The matter having been considered by Presiding Justice McConnell and Associate Justices Aaron and Irion, petitioner Charles H. Brandes's appeal from the August 18, 2005 order on stipulation is dismissed on the ground the appeal is from a nonappealable order.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 7, 2006

D045960 Southern California Gas Company v. First State Insurance Company
The judgment of dismissal is affirmed. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D047520 In re Sharma on Habeas Corpus
The petition is denied.

D047871 Gulley et al. v. The Superior Court of San Diego County/Colony Hill Homeowners' Association et al.
The petition is denied.

D047571 In re Gilyard, Jr. on Habeas Corpus
The petition is denied.

D047559 In re Aparicio on Habeas Corpus
The petition is denied.

D047524 C.L.M.P., LTD. et al. v. Superior Court of San Diego County/Milhouse
The petition is denied.

D047304 People v. Posey
Appellant has failed to file an opening brief after receiving notice from court. The appeal is dismissed. (Cal Rules of Court, rules 17(a)(1), 33(c)(5)).

D045143 Ghaemmaghami et al. v. Chaichian
The judgment is affirmed. Costs are awarded to plaintiffs. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D047580 Pimentel v. Superior Court of San Diego County/Pacific Specialty Insurance Co.
The petition is denied.

D044951 People v. George
The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

D046020 Platypus Wear Inc., et al v. Cahill et al.
Order affirmed. Appellants to pay respondents' costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

D045731 People v. Minner
The judgment is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D047169 People v. Johnston
The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Irion, J.

D046520 In re Javier G., a Juvenile
The judgment is affirmed. McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 7, 2006 (Continued)

D045798 Progressive Concrete, Inc. v. Parker

The judgment is affirmed. The parties are to bear their own costs on appeal. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D047689 Terri B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

D047731 Vickie H. v. Superior Court of San Diego County/San Diego County Health and Human Service Agency

The attorney for Vickie H. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D047810 Jessica K. et al. v. Superior Court of San Diego County/San Diego County Health and Human Service Agency

The attorney for Jessica K. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case as to Jessica K. is dismissed.

D047913 In re Marriage of Bacher

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 8, 2006

D046352 In re Marriage of Naghavian

The petition for rehearing is denied.

**D047582 Cristler et al. v. The Superior Court of San Diego County/Express Messenger
Systems, Inc.**

The petition is denied.

D046406 In re P.C. et al., Juveniles

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

D046637 Edwards v. Orth

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D047572 Brenda G. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 9, 2006

D045904 People v. Prescod

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D045174 People v. Sotelo

The judgment is affirmed. Nares, Acting P.J.; W Concur: Haller, J., Aaron, J.

D047981 Doe v. The Superior Court of San Diego County/Anesthesia Services Medical Group Inc., et al.

The petition is denied.

D045964 People v. King

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D047281 In re Sandra M., a Juvenile

The order is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D047258 In re S.M., a Juvenile

The appeals are dismissed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

D045019 Equipment Source Company v. Stewart & Stevenson Services, Inc.

The petition for rehearing is denied.

D045544 People v. Nguyen

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

D046124 In re Marriage of Shaw

The order is reversed and the matter is remanded with directions that the trial court conduct a new hearing and issue a new order in consideration of the applicable standards and factors expressed in this opinion. Father is entitled to costs on appeal. McDonald, J.; We Concur Benke, Acting P.J., Irion, J.

D045886 People v. Taylor

The order is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.

D046449 Miller v. Superior Court of San Diego County/Miller

Let a writ of mandate issue directing the trial court to vacate its order disqualifying Gavin as counsel for Maureen and enter an order denying the disqualification motion. Maureen to recover her costs in the writ proceeding. The opinion will be final as to this court immediately. Benke, Acting, P.J.; We Concur: McDonald, J., McIntyre, J.

D047008 In re R. V., a Juvenile

Judgment affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D046100 In re Kelvin J. Evans

The order to show cause is discharged, the stay of briefing dated January 9, 2006 is vacated, and the petition for writ of habeas corpus is dismissed as moot.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 9, 2006 (Continued)

D044689 People v. Archuleta

The petition for rehearing is denied.

D044794 Garber v. Horton, Knox, Carter & Foote

The opinion filed January 13, 2006, is modified. There is no change in judgment. The request for publication of the opinion is denied.

**D047975 De Anza Cove Homeowners Association, Inc. v. Superior Court of San Diego
County/City of San Diego et al.**

The petition is denied.

D0475600 In re Josalind Poole

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 10, 2006

D045949 Jaramillo v. State Board For Geologists And Geophysicists

Appellant's petition for rehearing is denied. The opinion in the above-entitled matter filed on January 12, 2006, is ordered certified for publication.

D047705 Seymour v. Heritage Operating LP

The appeal filed December 12, 2005, is dismissed because appellant did not timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rule 4(b), 5(c) and 8).

D047148 Hunter v. Geiserman

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D044916 People v. Gonzalez

Request for publication is denied.

D047980 Makkad et al. v. Superior Court of San Diego/Pisces International, Inc.

The petition is denied.